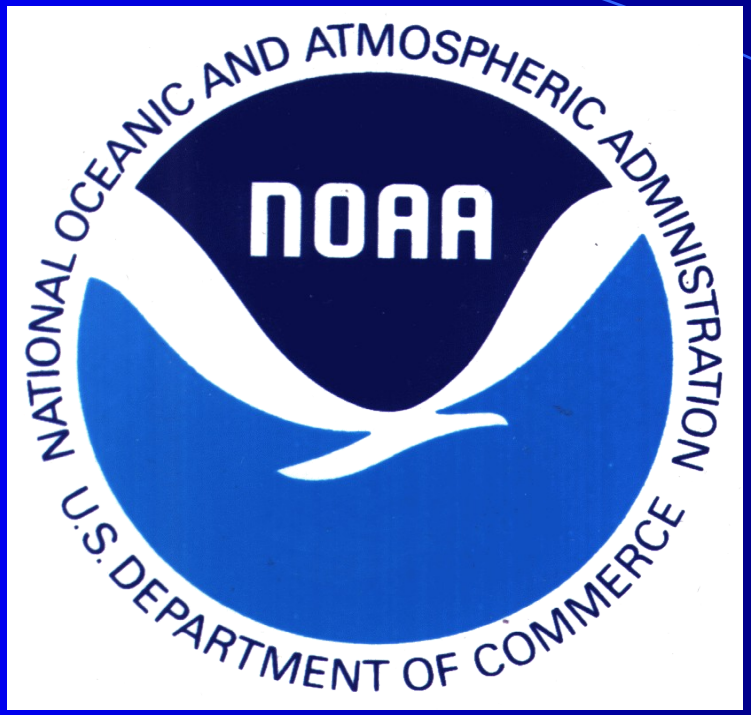


NATIONAL MARINE FISHERIES SERVICE
HABITAT CONSERVATION DIVISION

NMFS Project Review Criteria

Protection of living marine resources (LMR), including all habitats and organisms necessary to support healthy and sustainable fisheries

Conservation and enhancement of EFH = **Habitat Conservation Division**

Protection of T and E Species (i.e. Johnson's seagrass, sea turtles, marine mammals) = **Protected Resources Division**

NMFS' Mission

To protect, conserve, restore, and create habitats and ecosystems vital to self-sustaining populations of LMR's under NOAA/NMFS stewardship

HCD's role in mission:

- Consultative services involving field inspections, meetings, public hearings, and document review and provide recommendations for **sequentially avoiding, minimizing, and offsetting adverse impacts** to NMFS-trust resources (i.e. Section 404 Clean Water Act and Section 10

Essential Fish Habitat (EFH)

- Laws and Regulations
- Defining EFH

- What EFH means for you

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (MSFCMA)

1996 Amendment

- Describe and identify EFH for each federally-managed fishery (through FMC's)
- Consultation requirements for Federal a
- Encourage conservation and enhancement of EFH

MSFCMA EFH Provisions
(Agency Consultation)

- Federal agencies are required to consult with NMFS regarding any activities that may adversely affect* Essential Fish Habitat;

EFH Interim Final Rules (1997)

NMFS Consultation Guidance

50 CFR Part 600

"adverse affect"*

Defined: **"any impact which reduces quality and/or quantity of EFH"**

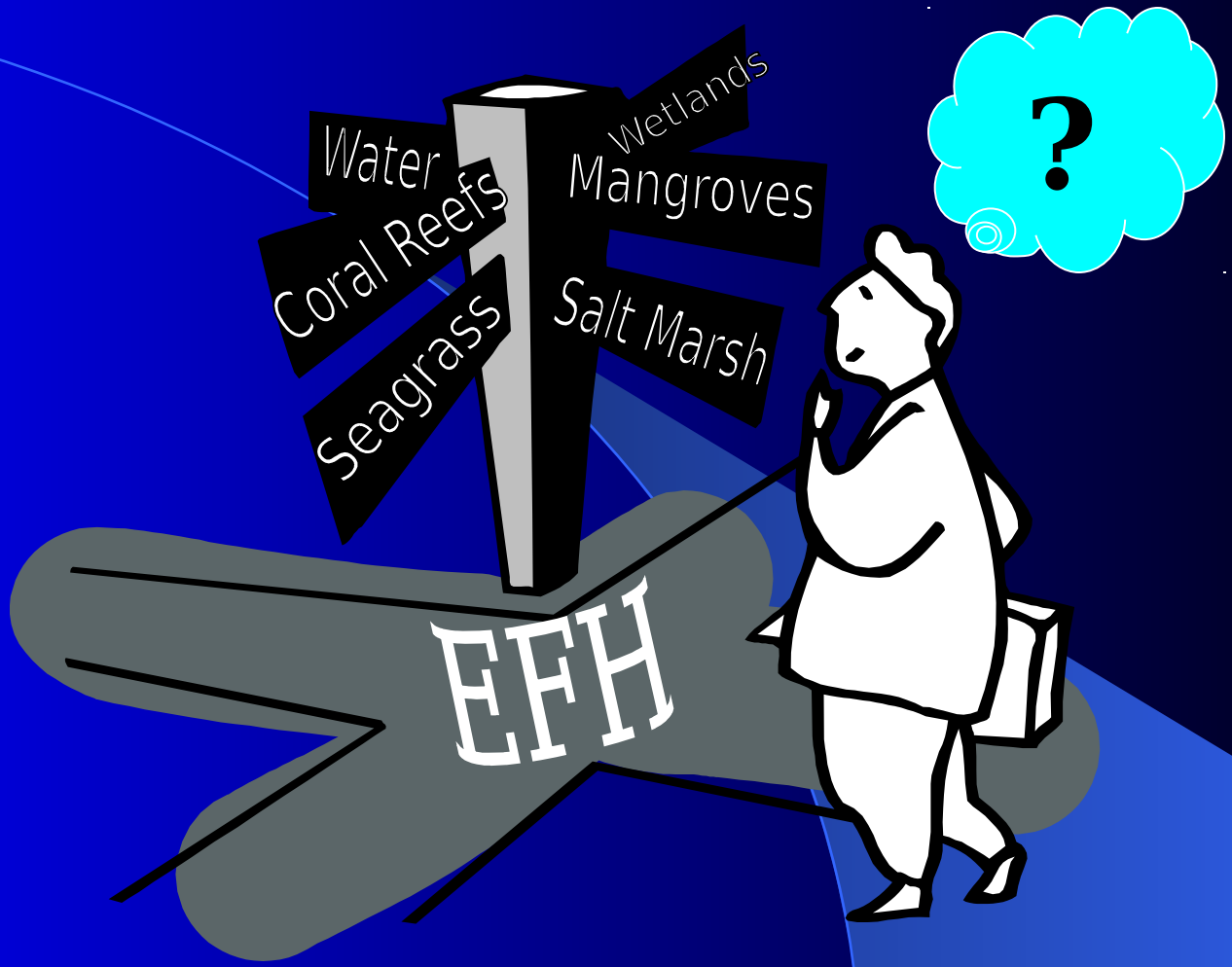
1. Direct (e.g. contamination or physical disruption)
2. Indirect (e.g. loss of prey, reduction in fecundity)
3. Individual, cumulative, or synergistic

MSFCMA EFH Provisions (Cont.)

- Consultation required for activities proposed to be authorized, funded, or undertaken by Federal agencies (includes state and Federal waters);
- NMFS (and in some cases, the FMC's) will review and, as appropriate, recommend measures to conserve EFH;

- Those recommendations may include measures to **avoid, minimize, mitigate, or otherwise offset adverse effects on EFH**

WHAT IS EFH?


Water
Wetlands
Mangroves
Coral Reefs
Seagrass
Salt Marsh
EFH
?

NMFS “Jeopardy Game Show” Quiz

Answer: Every known substance and place in the Universe.

Question: What is EFH, Alex?

EFH DEFINED

MSFCMA - PL 104-297
Sec. 3. Definitions

The term “essential fish habitat” means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.

EFH Interim Final Rules (1997)

NMFS Consultation Guidance
50 CFR Part 600

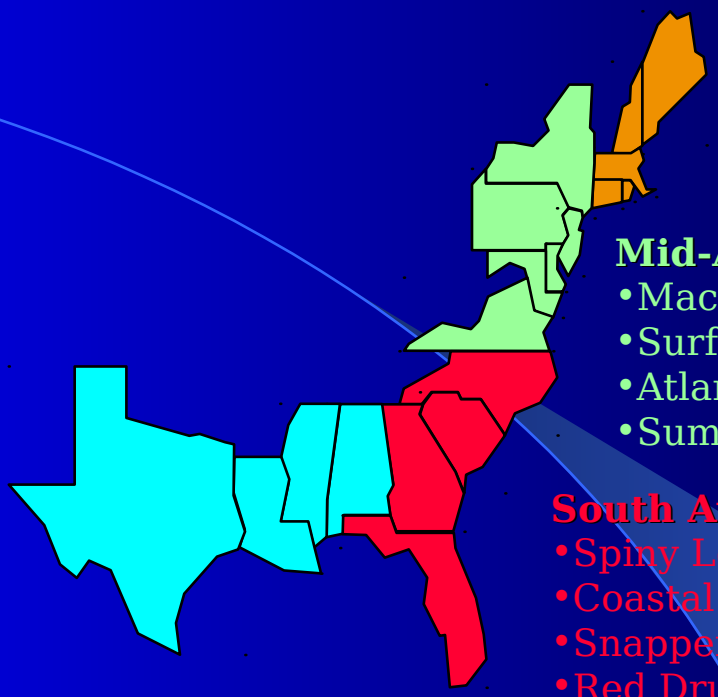
"Waters" include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate;

EFH INTERIM FINAL RULES (Cont.)

- In addition to EFH, the FMP's should also identify **Habitat Areas of Particular Concern** (HAPC).
- One or more of the following criteria must be met:

1. provide important ecological functions;
2. be sensitive to human-induced environmental degradation;
3. be rare; and,
4. development activities must represent a current or potential stress for the habitat.

Fishery Management Plans



New England
- Monkfish
- Multispecies
- Sea Scallops
- Atlantic Salmon
- Atlantic Herring

Mid-Atlantic
- Mackerel, Squid, Butterfish
- Surf Clam & Ocean Quahog
- Atlantic Bluefish
- Summer Flounder, Scup & Black Sea Bass

South Atlantic
- Spiny Lobster*
- Coastal Migratory Pelagics*
- Snapper-Grouper
- Red Drum
- Coral, Live/Hard Bottom
- Shrimp
- Golden Crab

Secretarial
- Atlantic HMS (Tunas, Swordfish & Shar
- Atlantic Billfish

Gulf of Mexico
- Spiny Lobster*
- Coastal Migratory Pelagics*
- Coral & Coral Reefs
- Stone Crab
- Shrimp
- Reef Fish Resources
- Red Drum

Caribbean
- Queen Conch
- Corals, Plants and Invertebrates
- Spiny Lobster
- Caribbean Reef Fish

* Joint Plans

South Atlantic FMC EFH Amendment

EFH Categories:

Wetlands; Mangroves;

Coral & Live Bottoms;

Seagrass; Oyster reefs;

Intertidal & Mud Flats;

Sargassum;

Estuarine & marine

HAPC Categories:

Biscayne & Florida Bays;

Marathon Hump; Oculina Bank; FL Keys NMS;

Biscayne NP; Blake Plateau; Card Sound;

Coral & Hard Bottoms;

GOMEX FMC EFH Amendment

EFH Categories:

Wetlands;
Mangroves;
Coral & Live Bottoms;
Seagrass; Shell Reefs;
Algal Flats;
Vegetated and non-vegetated bottoms
Estuarine & marine

HAPC Categories:

FL Middle Grounds;
FL Keys NMS;
Dry Tortugas NP;
Apalachicola NERR;
Rookery Bay NERR;
Weeks Bay NERR (AL);
Flower Gardens (TX);

What EFH means to you

U.S. ACOE (not applicant) must consult with NMFS. But,..,

In most cases the information needed for their EFH assessment will come from you or the applicant.
This information should include:

What EFH means to you (cont.)

(1) description of the proposed action;
(2) analysis of the effects, including cumulative effects, of the action on EFH, the managed species, and associated species by life history stage;
(3) the effects of the action on EFH; and
(4) proposed mitigation, if applicable.
Assessments may also include the results of on-site inspections, the views of recognized experts on the habitat or species affected, a literature review, an analysis of alternatives to the proposed action, and any other

Benthic Survey Recommendations

1. Survey type and detail depends upon spatial scale, distribution and heterogeneity of habitat.
2. Date of survey depends upon seasonality of resource (e.g. *Halophila* sp. growing season from May through August).

3. Survey report should include methods, date, and a map with benthic resources relative to proposed project (e.g. dock structure).

Seagrass Survey Recommendations

1. Preliminary reconnaissance is recommended, particularly for moderate to large projects
2. Surveys should usually be conducted from May through August, particularly north of Monroe County
3. Survey methods can be transects (belt or point-intersect) at random or fixed intervals, or random points within area, or combination of both
4. Sub-sampling of points or quadrats should be conducted to determine relative density of each species
5. Transects and quadrats may need to be stratified by depth or habitat type

Dock Construction Guidelines

Studies have determined that dock structures can adversely impact seagrasses (and other benthic resources requiring light to survive and grow). For example

Kenworthy *et. al.* 1991. The light requirements of seagrasses,.., NOAA Tech. Memo. NMFS-SERG-287.

Burdick and Short. 1999. The effects of boat docks on eelgrass beds,.., Environ. Manag. 23(2):231-240

Smith and Mezich. 2000. Comprehensive assessment of the effects of single family docks on seagrass in Palm Beach County (draft)

Shafer. 1999. The effects of dock shading on the seagrass *Halodule wrightii* in Perdido Bay. Estuaries 22(4):936-943.

Shafer and Lundin. 1999. Design and construction of docks to minimize seagrass impacts. WRP Tech. Notes

Dock Construction Guidelines

U.S. Army Corps of Engineers/National Marine Fisheries Service, November 1998 (revised August 2001*).

- Structures should be a minimum of 5’ above mean high water line (4’ for marsh habitat)
- Maximum 4’ width of walkway
- Terminal platform should be 6’ by 20’ (solid planking) or, 8’ by 20’ (grating material)
- Narrow step down to 3’ above mean high water line to facilitate vessel entry and exit
- No covered boat slips or platforms

*includes marsh and mangrove habitats.

Sources for More Information

EFH Related Web Sites

South Atlantic FMC & EFH amendment-
http://www.safmc.noaa.gov
Mid-Atlantic FMC-
http://www.mafmc.org/midatlantic/mafmc.htm
EFH Rules- http://www.nmfs.noaa.gov/habitat/efh
NMFS Southeast Region- http://caldera.sero.nmfs.gov
Highly migratory pelagic and billfish EFH amendments-
http://www.nmfs.noaa.gov/sfa/hms/Final.html

Contacts

Michael Johnson, Monroe, Dade, Broward, Palm Beach, Martin, and St. Lucie Counties: (305) 595-8352
Ric Ruebsamen, Southeast Region EFH Coordinator: (727) 570-5317
David Rackley, Southeast Atlantic Coast Team Leader: (843) 762-8574